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THE
JOHNSON PARTY.

From the Atlantic Monthly, September, 1866.

By Edwin P. Thompson

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THE JOHNSON PARTY.

[From the "*Atlantic Monthly*," Sept. 1866.]

THE President of the United States has so singular a combination of defects for the office of a constitutional magistrate, that he could have obtained the opportunity to misrule the nation only by a visitation of Providence. Insincere as well as stubborn, cunning as well as unreasonable, vain as well as ill-tempered, greedy of popularity as well as arbitrary in disposition, veering in his mind as well as fixed in his will, he unites in his character the seemingly opposite qualities of a demagogue and autocrat, and converts the Presidential chair into a stump or a throne, according as the impulse seizes him to cajole or to command. Doubtless much of the evil developed in him is due to his misfortune in having been lifted by events to a position which he lacked the elevation and breadth of intelligence adequately to fill. He was cursed with the possession of a power and authority which no man of narrow mind, bitter prejudices, and inordinate self-estimation can exercise without depraving himself as well as injuring the nation. Egotistic to the point of mental disease, he resented the direct and manly opposition of statesmen to his opinions and moods as a personal affront, and descended to the last degree of littleness in a political leader,—that of betraying his party, in order to gratify his spite. He of course became the prey of intriguers and sycophants,—of persons who understand the art of managing minds which are at once arbitrary and weak, by allowing them to retain unity of will amid the most palpable inconsistencies of opinion, so that inconstancy to principle shall not weaken force of purpose, nor the emphasis be at all abated with which they may bless to-day what yesterday they cursed. Thus the abhorrer of traitors has now become their tool. Thus the denouncer of Copperheads has now sunk into dependence on their support. Thus the imposer of conditions of reconstruction has now become the foremost friend of the unconditioned return of the Rebel States. Thus the furious Union Republican, whose harangues against his political opponents almost scared his political friends by their violence, has now become the shameless betrayer of the people who trusted him. And in all these changes of base he has appeared supremely conscious, in his own mind, of playing an independent, a consistent, and especially a conscientious part.

Indeed, Mr. Johnson's character would be imperfectly described if some attention were not paid to his conscience, the purity of which is a favorite subject of his own discourse, and the perversity of which is the wonder of the rest of mankind. As a public man, his real position is similar to that of a commander of an army, who should pass over to the ranks of the enemy he was commissioned to fight, and then plead his individual convictions of duty as a justification of his treachery. In truth, Mr. Johnson's conscience is like his understanding, a mere form of expression of his will. The will of ordinary men is addressed through their understanding and

conscience. Mr. Johnson's understanding and conscience can be addressed only through his will. He puts intellectual principles and the moral law in the possessive case, thinks he pays them a compliment and adds to their authority when he makes them the adjuncts of his petted pronoun "my"; and things to him are reasonable and right, not from any quality inherent in themselves, but because they are made so by his determinations. Indeed, he sees hardly anything as it is, but almost everything as colored by his own dominant egotism. Thus he is never weary of asserting that the people are on his side; yet his method of learning the wishes of the people is to scrutinize his own, and, when acting out his own passionate impulses, he ever insists that he is obeying public sentiment. Of all the wilful men who, by strange chance, have found themselves at the head of a constitutional government, he most resembles the last Stuart king of England, James II; and the likeness is increased from the circumstance that the American James has, in his supple and plausible Secretary of State, one fully competent to play the part of Sunderland.

The party which, under the ironical designation of the National Union Party, now proposes to take the policy and character of Mr. Johnson under its charge, is composed chiefly of Democrats defeated at the polls, and Democrats defeated on the field of battle. The few apostate Republicans, who have joined its ranks while seeming to lead its organization, are of small account. Its great strength is in its Southern supporters, and, if it comes into power, it must obey a Rebel direction. By the treachery of the President, it will have the executive patronage on its side,—for Mr. Johnson's "conscience" is of that peculiar kind which finds satisfaction in arraying the interest of others against their convictions; and having thus the power to purchase support, it will not fail of those means of dividing the North which come from corrupting it. The party under which the war for the Union was conducted is to be denounced and proscribed as the party of disunion, and we are to be edified by addresses on the indissoluble unity of the nation by Secessionists, who have hardly yet had time to wash from their hands the stains of Union blood. The leading proposition on which this conspiracy against the country is to be conducted is the monstrous absurdity, that the Rebel States have an inherent, "continuous," unconditioned, constitutional *right* to form a part of the Federal government, when they have once acknowledged the fact of the defeat of their inhabitants in an armed attempt to overthrow and subvert it,—a proposition which implies that victory paralyzes the powers of the victors, that ruin begins when success is assured, that the only effect of beating a Southern Rebel in the field is to exalt him into a maker of laws for his antagonist.

In the minority Report of the Congressional Joint Committee on Reconstruction, which is designed to supply the new party with constitutional law, this theory of State Rights is most elaborately presented. The ground is taken, that during the Rebellion the States in which it prevailed were as "completely competent States of the United States as they were before the Rebellion, and were bound by all the obligations which the Constitution imposed, and entitled to all its privileges;" and that the Rebellion consisted merely in a series of "illegal acts of the citizens of such States,"

On this theory it is difficult to find where the guilt of rebellion lies. The States are innocent because the Rebellion was a rising of individuals; the individuals cannot be very criminal, for it is on their votes that the committee chiefly rely to build up the National Union Party. Again, we are informed that, in respect to the admission of representatives from "such States," Congress has no right or power to ask more than two questions. These are: "Have these States organized governments? Are these governments republican in form?" The committee proceed to say: "How they were formed, under what auspices they were formed, are inquiries with which Congress has no concern. The right of the people to form a government for themselves has never been questioned." On this principle, President Johnson's labors in organizing State governments were works of supererogation. At the close of active hostilities the Rebel States had organized, though disloyal, governments, as republican in form as they were before the war broke out. The only thing, therefore, they were required to do was to send their Senators and Representatives to Washington. Congress could not have rightfully refused to receive them, because all questions as to their being loyal or disloyal, and as to the changes which the war had wrought in the relations of the States they represented to the Union, were inquiries with which Congress had no concern! And here again we have the ever-recurring difficulty respecting the "individuals" who were alone guilty of the acts of rebellion. "The right of the people," we are assured, "to form a government for themselves, has never been questioned." But it happens that "the people" here indicated are the very individuals who were before pointed out as alone responsible for the Rebellion. In the exercise of their right "to form a government for themselves," they rebelled; and now, it seems, by the exercise of the same right, they can unconditionally return. There is no wrong anywhere: it is all "right." The people are first made criminals, in order to exculpate the States, and then the innocence of the States is used to exculpate the people. When we see such outrages on common sense gravely perpetrated by so eminent a lawyer as the one who drew up the committee's Report, one is almost inclined to define minds as of two kinds, the legal mind and the human mind, and to doubt if there is any possible connection in reason between the two. To the human mind it appears that the Federal government has spent thirty-five hundred millions of dollars, and sacrificed three hundred thousand lives, in a contest which the legal mind dissolves into a mere mist of unsubstantial phrases; and by skill in the trick of substituting words for things, and definitions for events, the legal mind proceeds to show that these words and definitions, though scrupulously shielded from any contact with realities, are sufficient to prevent the nation from taking ordinary precautions against the recurrence of calamities fresh in its bitter experience. The phrase "State Rights," translated from legal into human language, is found to mean, the power to commit wrongs on individuals whom States may desire to oppress, or the power to protect the inhabitants of States from the consequences of their own crimes. The minority of the committee, indeed, seem to have forgotten that there has been any real war, and bring to mind the converted Australian savage, whom the mis-

sionary could not make penitent for a murder committed the day before, because the trifling occurrence had altogether passed from his recollection.

In fact, all attempts to discriminate between Rebels and Rebel States, to the advantage of the latter, are done in defiance of notorious facts. If the Rebellion had been merely a rising of individual citizens of States, it would have been an insurrection against the States, as well as against the Federal government, and might have been easily put down. In that case, there would have been no withdrawal of Southern Senators and Representatives from Congress, and therefore no question as to their inherent right to return. In Missouri and Kentucky, for example, there was civil war, waged by inhabitants of those States against their local governments, as well as against the United States; and nobody contends that the rights and privileges of those States were forfeited by the criminal acts of their citizens. But the real strength of the Rebellion consisted in this, that it was not a rebellion *against* States, but a rebellion *by* States. No loose assemblage of individuals, though numbering hundreds of thousands, could long have resisted the pressure of the Federal power and the power of the State governments. They would have had no means of subsistence except those derived from plunder and voluntary contributions, and they would have lacked the military organization by which mobs are transformed into formidable armies. But the Rebellion being one of States, being virtually decreed by the people of States assembled in convention, was sustained by the two tremendous governmental powers of taxation and conscription. The willing and the unwilling were thus equally placed at the disposition of a strong government. The population and wealth of the whole immense region of country in which the Rebellion prevailed, were at the service of this government. So completely was it a rebellion of States, that the universal excuse of the minority of original Union men for entering heartily into the contest after it had once begun was, that they thought it their duty to abide by the decision, and share the fortunes, of their respective States. Nobody at the South believed at the time the war commenced, or during its progress, that his State possessed any "continuous" right to a participation in the privileges of the Federal Constitution, the obligations of which it had repudiated. When confident of success, the Southerner scornfully scouted the mere suspicion of entertaining such a degrading notion; when assured of defeat, his only thought was to "get his State back into the Union on the best terms that could be made." The idea of "conditions of readmission" was as firmly fixed in the Southern as in the Northern mind. If the politicians of the South now adopt the principle that the Rebel States have not, as States, ever altered their relations to the Union, they do it from policy, finding that its adoption will give them "better terms" than they ever dreamed of getting before the President of the United States taught them that it would be more politic to bully than to plead.

In the last analysis, indeed, the theory of the minority of the Reconstruction Committee reduces the Rebel States to mere abstractions. It is plain that a State, in the concrete, is constituted by that portion of the inhabitants who form its legal people; and that, in passing back of its government and

constitution, we reach a convention of the legal people as its ultimate expression. By such conventions the acts of secession were passed; and, as far as the people of the Rebel States could do it, they destroyed their States considered as organized communities forming a part of the United States. The claim of the United States to authority over the territory and inhabitants was of course not affected by these acts; but in what condition did they place the people? Plainly in the condition of rebels, engaged in an attempt to overturn the Constitution and government of the United States. As the whole force of the people in each of the Rebel communities was engaged in this work, the whole of the people were rebels and public enemies. Nothing was left, in each case, but an abstract State, without any external body, and as destitute of people having a right to enjoy the privileges of the Constitution as if the territory had been swept clean of population by a pestilence. It is, then, only this abstract State which has a right to representation in Congress. But how can there be a right to representation when there is nobody to be represented? All this may appear puerile, but the puerility is in the premises as well as in the logical deductions; and the premises are laid down as indisputable constitutional principles by the eminent jurists who supply ideas for the National Union Party.

The doctrine of the unconditional right of the Rebel States to representation being thus a demonstrated absurdity, the only question relates to the conditions which Congress proposes to impose. Certainly these conditions, as embodied in the constitutional amendment which has passed both houses by such overwhelming majorities, are the mildest ever exacted of defeated enemies by a victorious nation. There is not a distinctly "radical" idea in the whole amendment,—nothing that President Johnson has not himself, within a comparatively recent period, stamped with his high approbation. Does it ordain universal suffrage? No. Does it ordain impartial suffrage? No. Does it proscribe, disfranchise, or expatriate the recent armed enemies of the country, or confiscate their property? No. It simply ordains that the national debt shall be paid and the Rebel debt repudiated; that the civil rights of all persons shall be maintained; that Rebels who have added perjury to treason shall be disqualified for office; and that the Rebel States shall not have their political power in the Union increased by the presence on their soil of persons to whom they deny political rights, but that representation shall be based throughout the Republic on voters, and not on population. The pith of the whole amendment is in the last clause; and is there anything in that to which reasonable objection can be made? Would it not be a curious result of the war against Rebellion, that it should end in conferring on a Rebel voter in South Carolina a power equal, in national affairs, to that of two loyal voters in New York? Can any Democrat have the face to assert that the South should have, through its disfranchised negro freemen alone, a power in the Electoral College and in the national House of Representatives equal to that of the States of Ohio and Indiana combined?

Yet these conditions, so conciliatory, moderate, lenient, almost timid, and which, by the omission of impartial suffrage, fall very far below the requirements of the average sentiment of the loyal nation, are still de-

nounced by the new party of "Union" as the work of furious radicals, bent on destroying the rights of the States. Thus Governor James L. Orr, of South Carolina, a leading Rebel, pardoned into a Johnsonian Union man, implores the people of that region to send delegates to the Philadelphia Convention, on the ground that its purpose is to organize "conservative" men of all sections and parties, "to drive from power that radical party who are daily trampling under foot the Constitution, and fast converting a constitutional Republic into a consolidated despotism." The terms to which South Carolina is asked to submit, before she can be made the equal of Ohio or New York in the Union, are stated to be "too degrading and humiliating to be entertained by a freeman for a single instant." When we consider that this "radical party" constitutes nearly four-fifths of the legal legislature of the nation, that it was the party which saved the country from dismemberment while Mr. Orr and his friends were notoriously engaged in "trampling the Constitution under foot," and that the man who denounces it owes his forfeited life to its clemency, the astounding insolence of the impeachment touches the sublime. Here is confessed treason inveighing against tried loyalty, in the name of the Constitution it has violated and the law it has broken! But why does Mr. Orr think the terms of South Carolina's restored relations to the Union "too degrading and humiliating to be entertained by a freeman for a single instant?" Is it because he wishes to have the Rebel debt paid? Is it because he desires to have the Federal debt repudiated? Is it because he thinks it intolerable that a negro should have civil rights? Is it because he resents the idea that breakers of oaths, like himself, should be disqualified from having another opportunity of forswearing themselves? Is it because he considers that a white Rebel freeman of South Carolina has a natural right to exercise double the political power of a white loyal freeman of Massachusetts? He must return an affirmative answer to all these questions in order to make it out that his State will be degraded and humiliated by ratifying the amendment; and the necessity of the measure is therefore proved by the motives known to prompt the attacks of its vilifiers.

The insolence of Mr. Orr is not merely individual, but representative. It is the result of Mr. Johnson's attempt "to produce harmony between the two sections," by betraying the section to which he owed his election. Had it not been for his treachery, there would have been little difficulty in settling the terms of peace, so as to avoid all causes for future war; but, from the time he quarrelled with Congress, he has been the great stirrer-up of disaffection at the South, and the virtual leader of the Southern reactionary party. Every man at the South who was prominent in the Rebellion, every man at the North who was prominent in aiding the Rebellion, is now openly or covertly his partisan, and by fawning on him earns the right to defame the representatives of the people by whom the Rebellion was put down. Among traitors and Copperheads the fear of punishment has been succeeded by the hope of revenge; elation is on faces which the downfall of Richmond overcast; and a return to the old times, when a united South ruled the country by means of a divided North, is

confidently expected by the whole crew of political bullies and political sycophants whose profit is in the abasement of the nation. It is even said that, if the majority of the "Rump" Congress cannot be overcome by fair means, it will be by foul; and there are noisy partisans of the President who assert that he has in him a Cromwellian capacity for dealing with legislative assemblies whose notions of the public good clash with his own. In short, we are promised, on the assembling of the next Congress, a *coup d'état*.

Garret Davis, of Kentucky, was, we believe, the first to announce this executive remedy for the "radical" disease of the state, and it has since been often prescribed by Democratic politicians as a sovereign panacea. General McClelland, indeed, proposed a scheme, simpler even than that of executive recognition, by which the Southern Senators and Representatives might effect a lodgment in Congress. They should, according to him, have gone to Washington, entered the halls of legislation, and proceeded to occupy their seats, "peaceably if they could, forcibly if they must;" but the record of General McClelland, as a military man, was not such as to give to his advice on a question of carrying positions by assault, a high degree of authority, and, there being some natural hesitation in following his counsel, the golden opportunity was lost. Mr. Montgomery Blair, who professes his willingness to act with any men, "Rebels or any one else," to put down the radicals, is never weary of talking to conservative conventions of "two Presidents and two Congresses." There can be no doubt that the project of a *coup d'état* has become dangerously familiar to the "conservative" mind, and that the eminent legal gentlemen of the North who are publishing opinions affirming the right of the excluded Southern representatives to their seats are playing into the hands of the desperate gang of unscrupulous politicians who are determined to have the right established by force. It is computed that the gain, in the approaching elections, of twenty-five districts now represented by Union Republicans, will give the Johnson party, in the next Congress, a majority of the House of Representatives, should the Southern delegations be counted; and it is proposed that the Johnson members legally entitled to seats should combine with the Southern pretenders to seats, organize as the House of Representatives of the United States, and apply to the President for recognition. Should the President comply, he would be impeached by an unrecognized House before an "incomplete" Senate, and, if convicted, would deny the validity of the proceeding. The result would be civil war, in which the name of the Federal government would be on the side of the revolutionists. Such is the programme which is freely discussed by partisans of the President, considered to be high in his favor; and the scheme, it is contended, is the logical result of the position he has assumed as to the rights of the excluded States to representation. It is certain that the present Congress is as much the Congress of the United States as he is the President of the United States; but it is well known that he considers himself to represent the whole country, while he thinks that Congress only represents a portion of it; and he has in his character just that combination of qualities, and is placed in just those anomalous

circumstances, which lead men to the commission of great political crimes. The mere hint of the possibility of his attempting a *coup d'état* is received by some Republicans with a look of incredulous surprise; yet what has his administration been to such persons but a succession of surprises?

But whatever view may be taken of the President's designs, there can be no doubt that the safety, peace, interest, and honor of the country depend on the success of the Union Republicans in the approaching elections. The loyal nation must see to it that the Fortieth Congress shall be as competent to override executive vetoes as the Thirty-Ninth, and be equally removed from the peril of being expelled for one more in harmony with Executive ideas. The same earnestness, energy, patriotism, and intelligence which gave success to the war, must now be exerted to reap its fruits and prevent its recurrence. The only danger is, that, in some representative districts, the people may be swindled by plausibilities and respectabilities; for when in political contests, any great villany is contemplated, there are always found some eminently respectable men, with a fixed capital of certain eminently conservative phrases, innocently ready to furnish the wolves of politics with abundant supplies of sheep's clothing. These dignified dupes are more than usually active at the present time; and the gravity of their speech is as edifying as its emptiness. Immersed in words, and with no clear perception of things, they mistake conspiracy for conservatism. Their pet horror is the term "radical"; their ideal of heroic patriotism, the spectacle of a great nation which allows itself to be ruined with decorum, and dies rather than commit the slightest breach of constitutional etiquette. This insensibility to facts and blindness to the tendency of events, they call wisdom and moderation. Behind these political dummies are the real forces of the Johnson party, men of insolent spirit, resolute will, embittered temper, and unscrupulous purpose, who clearly know what they are after, and will hesitate at no "informality" in the attempt to obtain it. To give these persons political power will be to surrender the results of the war, by placing the government practically in the hands of those against whom the war was waged. No smooth words about "the equality of the States," "the necessity of conciliation," "the wickedness of sectional conflicts," will alter the fact, that, in refusing to support Congress, the people would set a reward on treachery and place a bounty on treason. "The South," says a Mr. Hill, of Georgia, in a letter favoring the Philadelphia Convention, "sought to save the Constitution out of the Union. She failed. Let her now bring her diminished and shattered, but united and earnest counsels and energies to save the Constitution in the Union." The sort of Constitution the South sought to save by warring against the government is the Constitution which she now proposes to save by administering it! Is this the tone of pardoned and penitent treason? Is this the spirit to build up a "National Union Party"? No; but it is the tone and spirit now fashionable in the defeated Rebel States, and will not be changed until the autumn elections shall have proved that they have as little to expect from the next Congress as from the present, and that they must give securities for their future conduct before they can be relieved from the penalties incurred by their past.

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